Inherent.Com v. Martindale Hubbell et al   Doc. 22

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Attorneys for Defendants
MARTINDALE-HUBBELL AND
LEXIS/NEXIS, divisions of
REED ELSEVIER, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

INHERENT.COM aka INHERENT, Plaintiff, v. MARTINDALE-HUBBELL, LEXIS/NEXIS INC. and DOES 1 through 200 inclusive, Defendants.	No. C 05 3515 MHP **SUPPLEMENTAL DECLARATION OF FERNANDO MARINEZ IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, TRANSFER PURSUANT TO 28 U.S.C. § 1404** Date: October 31, 2005 Time: 2:00 p.m. Courtroom: 15 Judge: Honorable Marilyn H. Patel Complaint Filed: July 29, 2005

I, FERNANDO MARINEZ, declare.

1. Since 2003, I have been and currently am the Manager of Information Services at Shartsis Friese LLP ("SF Law"). I submit this supplemental declaration in support of Defendants' Motion To Dismiss or, in the alternative, Transfer Pursuant to 28 U.S.C. § 1404. I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify competently thereto under oath.

2. I have been trained in research through the internet and other resources. Prior to my employment at SF Law, I was the Manager of Information Services at Lehman Brothers. Among

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other things, I have substantial experience in research and research techniques on the internet, and through other resources, for information from governmental and regulatory agencies, including corporate records filed or submitted to various state agencies, and my duties at SF Law include such research.

3. On October 11, 2005, I searched the Inherent, Inc. website at www.inherent.com. Under the subject "Contact Us" on the Inherent, Inc. website and on other pages of the website, Inherent Inc.'s address is listed as 2140 SW Jefferson Street, 2nd Floor, Portland, Oregon 97201. There is no information on Inherent Inc.'s website indicating that it maintains an office in California nor any other contact information for Inherent Inc. in California. A true and correct copy of certain page views from the Inherent, Inc. website printed on October 11, 2005, is attached hereto as Exhibit A.

4. On October 14, 2005, I called the local directory assistance services also known as "411" to find a telephone listing for "Inherent.com" or "Inherent, Inc." in San Francisco, and was informed that there was no listing for any business with that name.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 17, 2005 at San Francisco, California.

FERNANDO MARINEZ

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LATEST LAUNCHES

05.23.05 Young Moore and Henderson P.A.

02.28.05 Scopelitis, Garvin, Light & Hanson

01.24.05 Cox Castle & Nicholson

01.19.05 Medical Malpractice Information - Fuller & Fuller

10.05.04 Hobin, Shingler & Simon, LLP

09.02.04 Nemeth Burwell, P.C.

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EXHIBIT A

right-aligned text

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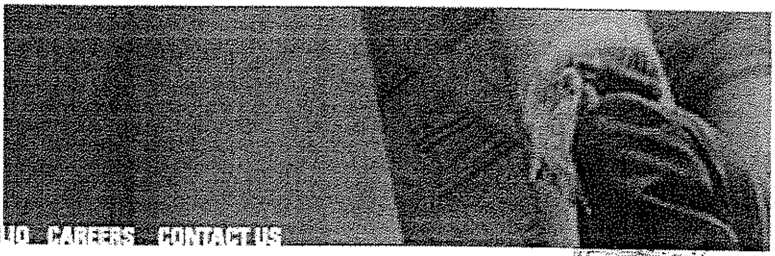

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:// MILESTONES

1999
Inherent.Com embraced Flash and dHTML, allowing the use of cutting-edge Web site design services.

2000
Inherent.Com developed its first site designed specifically for wireless accessibility.

2001
Inherent.Com is integrating streaming audio and video technologies into our array of services.

ABOUT IC

Originally founded in 1993 as Inherent Technologies, Inherent, Inc. has established itself as a leading provider of Web-related services for professional organizations. Based in Portland, OR, Inherent develops and hosts corporate Web sites, Intranets, and Extranets for clients in highly specialized service industries, primarily law firms and legal professional associations. Inherent also offers expertise in network infrastructure and security. With over 200 clients, Inherent, Inc. is a proven leader in the field of Web development.

ICI News

- Move over Klez, there's a new game in town. Spyware!
- You could be getting SPAM from your Web site
- ICX Unveiled!
- More News

After developing a site for the American Bar Association, Inherent established relationships with several state bar associations, legal information publishers, and over 160 law firms in the U.S. and abroad, including several top firms listed on the NLJ 250. Inherent has also expanded to include organizations outside of the legal profession, including publishing, financial services, and high technology.

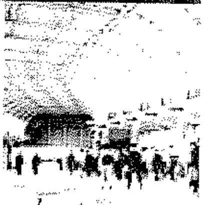
In 1996, Inherent, Inc. and Martindale-Hubbell® entered into a strategic marketing agreement to promote and develop Web sites for law firms worldwide. As Martindale-Hubbell's exclusive Web partner, Inherent, Inc. developed Web sites for firms of many sizes. The Alliance ended in early 2002, leaving Inherent free to work directly with all of the top-rated firms in the country.

Today, Inherent, Inc. offers various Web-hosting and development packages, such as Dynapsis, a suite of products which include database-driven Web applications, e-mail discussion groups, hosting and co-location, and comprehensive beginning-to-end Web design and maintenance. What does all this mean? Simply that we can offer you one of the best services possible.

One of Inherent's greatest assets is its talented and focused team of employees.

Executive Management

- Debra Kamys, President



what our clients sa

"Inherent.com is three service r's reliable and rea needs."

Susanne L. Man
Proskauer Rose

Sales/Marketing/Client Services

- Kary Boothroyd, Customer Services Specialist

Network Operations

- Mark A. Holm, Director of Network Engineering & Operations
- William Weigel, Senior Network Engineer

Digital Media/Software Engineering

- Chris Roberts, Senior Application Developer
- Kendra Lavery, Digital Artist
- Kevin Hrin, Web Producer

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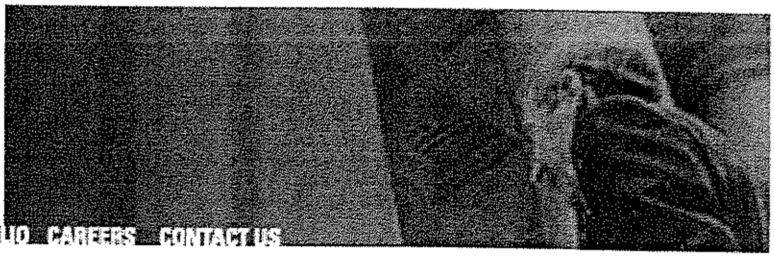

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SERVICES

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Inherent, Inc. excels at building Web sites. As one of the nation's leading developers of la complex Web sites for the legal professional community, Inherent, Inc. has a reputation fo developing polished Web sites that are built according to open technical standards and hi graphic design.

As an Internet strategy consultant, Inherent, Inc. understands how to develop Web-based solve your business needs. Whether you need a Web site, an Extranet, Messaging Servic combination of several items, we can implement a custom solution that will make you wor you waited so long.

For more information on possible solutions, follow the links below, and remember that Inh marketing team is ready to help you determine your organizational needs.

- Dynapsis™: Inherent's Online Content Management System
- Net.Presence: Static Web Development
- Proposal Generator
- Custom Dynamic Applications
- Extranet Services
- Intranet Services
- Flash Design & Development
- Streaming Video/Audio
- Hosting Solutions

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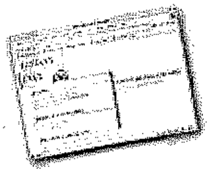

In a time where compe is so great, this makes a difference to our clients a law firm provides than just an on-line broc

Nancy H. Joyce, Former Marketing Di Gibney, Anthony & Flaher

commenting on an extranet created by Inhere

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CONTACT US GENERAL INQUIRIES

Network Operations Center (NOC) Contact Policy

Required fields are in RED.

Name:

E-mail:

Organization:

Address:

City:

State:

Zip:

Phone:

Message:

SEND MESSAGE

SALES AND MARKETING

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2nd Floor
Portland, OR 97201
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BACK TO TOP

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NOC Contact Policy

Inherent.Com® PROFESSIONAL WEB SOLUTIONS

Inherent.Com NOC notification procedures are divided into the following categories.

Proactive Notification

The first category is proactive notification. We like to make every effort to notify our clients of any issues that may affect the availability or perceived availability of their services. To this end, the following services are available:

1. The NOC hotline can be reached at (503) 224-6751 ext. 444 any time of the day or week. Any known general outages or scheduled outages will be announced here.

2. A NOC announcement mailing list is available. Announcements about known and scheduled outages will be posted here in addition to announcements about technical changes and improvements. To subscribe send e-mail to the NOC service request line at help@inherent.com requesting access with your full name, company, position, e-mail address, and phone number.

Non-Emergency Notification

For normal service requests we have Non-Emergency Notification. This is used for standard requests such as new e-mail forwarding account, upload of new data, permission changes, lost passwords, or DNS change requests. These issues are tracked through our service tracking system. There are a number of ways to get your request into the service tracking system:

1. The simplest and preferred method is via our automatic mail handler which will accept requests any time of the day or night. Send your request to help@inherent.com <mailto:help@inherent.com> with a brief subject line explaining the issue and as much detail on the issue as you have in the body. Be sure to include a phone number if you wish to be contacted directly.

2. During business hours you can call (503) 224-6751 and press 0 for an operator. They will connect you to the first available NOC technician.

Emergency Notification

The unfortunate truth is that emergencies happen. Emergencies are situations where your site is unavailable or not working as it normally does or requires immediate attention. The NOC team is on call 24 hours a day and 7 days a week for such issues. Often these problems are divided into two categories, local outages and general outages. General outages are usually due to an external anomaly and are typically known issues. You can often get a quick answer by checking the NOC hotline first at (503) 224-6751 ext. 444. If no general outages are reported, here are a few ways to reach the NOC 24 hours a day and 7 days a week listed in order of preference:

1. The easiest and preferred method is to send mail to emergency@inherent.com. Include a brief subject line explaining the issue, as much detail on the issue as you have in the body, and include a phone number where you can be reached. This will log a slip in service tracking system and page the NOC team. You can expect a response that your issue is being handled within two hours.

2. Leave a message on the NOC hotline at (503) 224-6751 ext. 444 with details of the problem and a number you can be reached at. It will immediately page the NOC team.

For additional methods of escalation, please see the NOC Emergency Contact prodecure document supplied with your contract.